

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESS RICHARD SMITH,

Petitioner,

v.

JEFFREY PERKINS,

Respondent.

CASE NO. C24-2093-JCC-BAT

**ORDER OF TRANSFER**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the remaining record, and there being no timely objection, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 16).
- (2) The habeas petition (Dkt. No. 6) is construed as an application for permission to file a second or successive petition, and this case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3.
- (3) Petitioner is advised that this transfer does not itself constitute compliance with § 2244(b)(3) and Ninth Circuit Rule 22-3 and that he must still file a motion for

1 leave to proceed in the Court of Appeals and make the showing required by  
2 § 2244(b)(2).

3 (4) The Court DENIES a stay this matter.

4 (5) The Court DENIES issuance of a certificate of appealability.

5 (6) The Clerk is directed to close this case and to transfer all original documents to  
6 the Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the  
7 petition and this Order in the file. The Clerk is also directed to send copies of this  
8 Order to the parties.

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10 DATED 30th day of April 2025.

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14 John C. Coughenour  
UNITED STATES DISTRICT JUDGE